

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

SUITS – A.P.A.T. – O.A. No. 1193/2005 filed by Sri Jaleel Mustafa, A.S. to Govt. (Retd.) – Case disposed off – Recorded as G.O. – Regarding.

GENERAL ADMINISTRATION (SU-I) DEPARTMENT

G.O. Rt. No:5892

Dated:10-12-2009.

Read the following:-

- 1) Interim Orders dated 18-03-2005 in O.A. No. 1193/2005 filed by Sri Jaleel Mustafa, A.S. to Govt. (Retd.), dated:.
- 2) Judgment dated: 08-09-2009 in O.A. No. 1193/05 from A.P.A.T., Hyd.
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Sri Jaleel Mustafa, A.S. to Govt., (Retd.) has filed an O.A. No. 1163/05 in APAT, praying to declare the Govt. Memo. No. 124693/SU-I/2004, dated: 23-08-2005 as illegal and direct the respondents to implement the G.O. Ms. No. 362, G.A. (SU-I) Dept., dated: 31-10-2000 will all consequential benefits.

- 2) The Hon'ble Tribunal in its final orders observed that;

"in pursuance of the orders of the H.C. notices were issued to the affected parties and several objections were received. The Govt. accepted the principle laid down by the Supreme Court in Direct Recruit Class-II Engineering Officers Association Vs. State of Maharashtra and Others (1990) 2 SCC 715 and applied the principle for fixing of inter-se-seniority basing on the actual date of officiation in the post of Asst. Section Officer from 19-12-1978, his seniority was fixed basing on the said date as per the directions of the High Court and the judgment of the Supreme Court. Therefore, the contention of the applicant that the Government neither modified G.O. Ms. No. 362, G.A.D., dated: 31-10-2000 nor set aside the said G.O. and as such it has to implemented has no force. Though, there is no reference to G.O. Ms. No. 362 in the subsequent G.O. Covered by G.O. Ms. No. 186, in the light of the circumstances mentioned in G.O. Ms. No. 186, it shall be deemed that G.O. Ms. No. 362 has no force in the eye of Law. Hence, the applicant is not entitled for the relief as prayed for. The O.A. is accordingly dismissed. No order as to costs".

- 3) Keeping in view of the orders of Hon'ble Tribunal, that there is no need to take further action in the matter and this file closed as G.O. Rt.

Sd/- xx xx.

DEPUTY SECRETARY TO GOVERNMENT (SU)